

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

HAROLD JACKSON

Plaintiff,

-v.-

Civil Action No.  
9:04-cv-447 (GLS/RFT)

OFFICER DUCHER, Medical Department;  
ONEIDA MEDICAL DEPARTMENT; DOCTOR  
CARTER, Dental Department; OFFICER FRENCHY,  
Dorm Officer

Defendants.

---

APPEARANCES:

OF COUNSEL:

**FOR THE PLAINTIFF:**

HAROLD JACKSON  
Plaintiff, *Pro Se*  
02-A-6683  
Oneida Correctional Facility  
6100 School Road  
Rome, New York 13442

**FOR DEFENDANT DUCHER:**

HON. ELIOT SPITZER  
Attorney General of the State  
of New York  
The Capitol  
Albany, New York 12224

STEVEN H. SCHWARTZ, ESQ.  
Assistant Attorney General

GARY L. SHARPE,  
U.S. DISTRICT JUDGE

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed January 31, 2006. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed January 31, 2006 is ACCEPTED in its entirety for the reasons state therein, and it is further

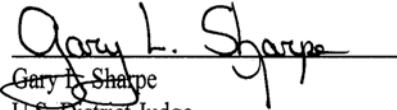
ORDERED, that the Defendant Ducher's Motion for Judgment on the Pleadings (Dkt. No. 17) is GRANTED and he is DISMISSED as a Defendant in this action, and it is further

ORDERED, that the entire Amended Complaint is DISMISSED in accordance with 28 U.S.C. 1915(e)(2)(B)(ii) as failing to state any cognizable claim, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED

Dated: February 21, 2006  
Albany, New York

  
\_\_\_\_\_  
Gary L. Sharpe  
U.S. District Judge